



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

Regulatory Division

MAR 20 2006

PUBLIC NOTICE

TO WHOM IT MAY CONCERN: The Jacksonville District Regulatory Division, U.S. Army Corps of Engineers (Corps), is circulating this notice to remind the public of District procedures regarding the priorities associated with performing verifications of jurisdictional delineations (JDs). Additionally, we want to inform the public of how we are treating "No Permit Required" determinations.

JURISDICTIONAL DELINEATIONS

BACKGROUND:

Pursuant to Section 404 of the Clean Water Act (Section 404), a Department of the Army permit is required for the discharge of dredged or fill material into "waters of the United States", including wetlands. Wetlands are defined in the Corps of Engineer's (Corps) regulations [33 CFR, 328.3(b)] as "areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions." For the purposes of Section 404, the identification and delineation of wetlands is accomplished in accordance with the 1987 Corps of Engineers Wetland Delineation Manual (87 Manual). To ensure that the jurisdictional delineations are performed in accordance with the 87 Manual, the Corps, upon request, has reviewed (verified) the applicant prepared delineations. Prior to July 1999, the Corps responded to all requests equally on a "first come-first served" basis. On July 31, 1999, the Corps issued a public notice modifying this process. Because it has been almost seven years since we last published our policy, we feel it would be of general benefit to the public to republish our current policy.

The priorities for performing verifications will be similar to those set out in the Standard Operating Procedures effected by HQUSACE on May 8, 1999. The first priority will be to verify applicant prepared delineations on all "mom and pop" applications or, if no applicant prepared delineation exists, to perform field wetland delineations for "mom and pop", but only in conjunction with permit applications from "mom and pop". In the Jacksonville District, we will define "mom and pop" as any individual, non-commercial activity on lots ≤ 5 acres. The second priority will be given to verifying applicant prepared wetland delineations in conjunction with permit applications. The lowest priority will be for verification of all other externally prepared delineations (not in conjunction with permit applications) as resources and time allow. "Mom and pop" will fall into this category too if they do not submit an application. This policy is subject to modification as national priorities and/or legislative mandates change. Presently, due to heavy workload and resource limitations, it is highly unlikely Corps regulatory project managers will be able to respond to any requests to verify wetland delineations without a permit application.

NO PERMIT REQUIRED DETERMINATIONS

When the Corps receives an application, it is immediately evaluated to determine if the proposed activity is a regulated activity, and if it is, it is evaluated to determine if the activity is being proposed in a regulated water of the United States. If the final determination of either is negative, then the activity does not require a permit from the Department of the Army.

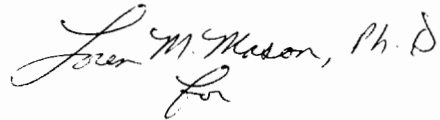
In the past, the Jacksonville District has issued a letter to an applicant advising them no permit was needed. The internal requirements associated with the processing of these "No Permit Required" determinations, uses a considerable amount of staff resources, which are already in short supply because of heavy workload. Therefore, in an effort to reduce our challenging workload, effective immediately the following will apply: Except for those cases

involving “isolated” waters determinations, we no longer will issue a “No Permit Required” letter to an applicant. Instead, we will call the party who submitted the application and tell the individual they may proceed with the work outlined in the application because it does not require a permit.

In situations where a landowner is requesting a formal determination by the Corps for an “isolated waters” decision, we will process that request as time and resources allow, and we will issue a letter, with our determination, to the requesting party.

It is recommended property owners, at every opportunity, avail themselves of the service of professional consultants to assist in the delineation of wetland areas.

If you need clarification on these policies, you may contact Stuart L. Santos at the letterhead address or by telephone at (904) 232-2018.

A handwritten signature in cursive script, appearing to read "Lawrence C. Evans, Ph.D.", with a large, stylized initial "L" and "E".

Lawrence C. Evans
Chief, Regulatory Division